

JOSEPH J. PARKS,

Plaintiff,

v.

FNU TREADWAY, North
Carolina Public Safety Officer,

Defendant.


constitutes a failure to prosecute. See Claude E. Atkins Enters., Inc. v. United States, 899 F.2d 1180 (Fed. Cir. 1990) (order affirming dismissal of case where party repeatedly ignored court-imposed deadlines and rules); Reider v. Gannon University, 481 F. App'x 707, 708 (3rd Cir. filed May 9, 2012) (unpublished opinion upholding *sua sponte* dismissal under Rule 41(b) in a pro se action) (citing Link v. Wabash Railroad Co., 370 U.S. 626, 630 (1962) (failure to prosecute case or comply with a court order authorizes dismissal)).

In the present case, an Order was entered by the Clerk requiring Plaintiff to make partial payments toward the costs of the filing fee and service in this matter. That Order was returned as undeliverable and there is no evidence Plaintiff has paid any funds to the Clerk. The Court finds that Plaintiff's failure to comply with the Clerk's Order to make prepayments on the costs of this civil litigation and his failure to apprise the Court of his current whereabouts or mailing address supports a summary dismissal of his case.

IT IS, THEREFORE, ORDERED that Plaintiff's complaint is **DISMISSED** without prejudice for failure to prosecute. (Doc. No. 1).

The Clerk of Court is directed to close this case.

Signed: July 9, 2013



Frank D. Whitney
Chief United States District Judge

